

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

is application of:

Name **John E. Mercer et al**Serial No: **10/656,692**Filed: **September 4, 2003**For: **MAPPING TOOL FOR TRACKING AND/OR  
GUIDING AN UNDERGROUND BORING TOOL**Examiner: **William P. Neuder**Group Art Unit: **3672**Att. Docket No.: **DCI-6D6**Date: **January 7, 2005**

CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on **January 7, 2005**.

Signed:

Jay R Beyer

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR: Transmitted herewith is an Amendment for the above application.

☒ Small entity status of this application under 37 C.F.R. §§ 1.9 and 1.27 has been established  
No additional fee is required.  
☒ **Postcard included**

The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		NON- SMALL ENTITY	
Claims Remaining		Previously Paid For		Present Extra	Rate	Additional Fee	Rate	Additional Fee
Total Claims	* 10	Minus	**20	0	x 25	\$ 0	x 50	\$
Indep. Claims	* 2	Minus	*** 3	0	x 100	\$ 0	x 200	\$
First Presentation of Multiple Dependent Claim(s)					+180	\$	+360	\$
					Total	\$ 0	Total	\$

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest No. Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

Applicant(s) hereby Petition(s) for an Extension of Time of \_\_\_\_\_ month(s) pursuant to 37 C.F.R. § 1.136(a).

☒ Enclosed please find PTO form PTO-2038 authorizing credit card payment of **\$65.00** to cover the Terminal disclaimer fee.

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **19-1685 (Order No. DCI-6D6)** (a duplicate copy of this sheet is enclosed):

☒ Any additional filing fees required under 37 C.F.R. § 1.16 for presentation of extra claims.

☒ Any extension or petition fees under 37 C.F.R. § 1.17.

Respectfully submitted,

Jay R Beyer

Registration No. 39,907



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Name **John E. Mercer et al**

Serial No: **10/656,692**

Filed: **September 4, 2003**

For: **MAPPING TOOL FOR TRACKING AND/OR  
GUIDING AN UNDERGROUND BORING TOOL**

Examiner: **William P. Neuder**

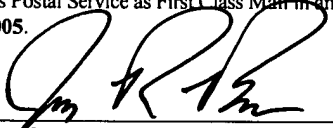
Group Art Unit: **3672**

Att. Docket No.: **DCI-6D6**

Date: **January 7, 2005**

CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on **January 7, 2005**.

Signed:

  
Jay R Beyer

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Amendment A**

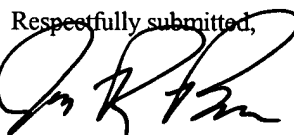
Dear Sir:

The following remarks are intended as a full and complete response to the outstanding Office Action dated (mailed) October 7, 2004.

**REMARKS**

In the outstanding Office Action, Claims 1-10 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U. S. Patent No. **6,640,907**. Submitted herewith is a Terminal Disclaimer which overcomes this rejection. Therefore, it is respectfully submitted that all of the Examiner's objections have been overcome and that the application is in condition for allowance. Hence, allowance of these claims and passage to issue of the application are solicited.

If the Examiner has any questions concerning this case, the Examiner is respectfully requested to contact Mike Pritzkau at 303) 410-9254.

Respectfully submitted,  
  
Jay R Beyer  
Reg. No. 39,907